



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING

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### Voting Members:

Calvin K.Y. Say, Chair  
Tyler Dos Santos-Tam, Vice Chair  
Radiant Cordero  
Esther Kia'āina  
Matt Weyer

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## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
WEDNESDAY, MAY 24, 2023  
9:00 A.M.

### ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

#### Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID: **85497810847** and Passcode: **868077**.
2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Although remote oral testimony is being permitted, this is a regular meeting and not a remote meeting by interactive conference technology under HRS Section 92-3.7. Therefore, the meeting will continue notwithstanding loss of audiovisual communication with remote testifiers or loss of the public broadcast of the meeting.

#### In-Person Testimony in the Council Chamber

Persons wishing to testify are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

**Remote and in-person oral testimony will be allowed when each agenda item is taken up, in the following order:**

1. **Remote testimony;**
2. **In-person testimony in the Council Chamber.**

### **WRITTEN TESTIMONY**

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3816 or send an email to [kiana.pascual@honolulu.gov](mailto:kiana.pascual@honolulu.gov).

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### **MATERIALS AVAILABLE FOR INSPECTION**

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need auxiliary aid/service or other accomodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to [kiana.pascual@honolulu.gov](mailto:kiana.pascual@honolulu.gov) as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

### **VIEWING THE MEETING**

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

**FOR EXTENSION OF TIME**

1. **RESOLUTION 23-62 – 1538 KAPI‘OLANI TOWER PROJECT (2022/PDP-1).** Approving a conceptual plan for an Interim Planned Development-Transit (IPD-T) Permit to 1538 Kapi‘olani LLC (herein referred to as the ‘Applicant’) to redevelop 40,166 square feet of land with a mixed-use development project in the Ala Moana Neighborhood Transit Oriented Development (TOD) Plan Area on land zoned BMX-3 Community Business Mixed-Use District located at 1538 Kapi‘olani Boulevard, and identified as Tax Map Key(s) 2-3-021: 006 (herein referred to as the “Project”). (Applicant: JL Ala Moana LLC) (Transmitted by Communication D-260 [2023]) (Current Deadline for Council Action: 6/17/23)

Related communication:

M-255(2023) R.M. Towill, requesting a 120-day extension of time.

**FOR ACTION**

2. **BILL 23 (2023) – RELATING TO THE BUILDING CODE.** Amending the Building Code of the City and County of Honolulu to further address fences. (Bill passed First Reading on 4/19/23)
3. **BILL 56 (2022), CD1 – RELATING TO PERMITS REQUIRED.** Addressing exemptions from the requirement to obtain a building permit. (Bill passed Second Reading and Public Hearing held on 3/15/23; Committee postponed action 4/5/23)

PROPOSED CD2 TO BILL 56 (2022), CD1 (Submitted by Councilmember Say) – The CD2 (OCS2023-0451/5/17/2023 12:12 PM) makes the following amendments:

- A. Amends ROH § 18-3.1(b) to provide that except for construction work to be done within any public utility right-of-way or easement, a permit is not required for the types of work enumerated in that subsection.
- B. Amends ROH § 18-3.1(b)(6) to exempt the following structures; provided that the structures are not located on a street corner or in a flood zone:

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Wednesday, May 24, 2023

1. Fences and planter boxes that are not more than 6 feet (1829 mm) in height;
  2. Retaining walls and riprap walls that are not more than 30 inches (762 mm) in height; or
  3. Walkways and outside paving that are within private property.
- C. Amends ROH § 18-3.1(b)(10) to exempt repairs and labor that:
1. Involve replacement of component parts of existing work with like-for-like materials for the purpose of maintenance;
  2. Do not exceed \$10,000 in valuation in the aggregate in any 12-month period; and
  3. Do not involve any electrical, plumbing, or mechanical installations.
- D. Amends ROH § 18-3.1(b)(11) by deleting the existing ROH language and adding an exemption for interior remodeling that:
1. Does not affect building square footage or the number of bedrooms or bathrooms;
  2. Does not modify the location of rooms, walls, or windows; and
  3. Does not involve any electrical, plumbing, or mechanical installations;
- including but not limited to painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures (such as windows, doors, and appliances); provided that the value of the interior remodeling must be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit.
- E. Amends ROH § 18-3.1(b)(18)(I) by deleting the language stating that the exemption for electrical work applies to like-for-like replacement of component parts and materials for the purpose of maintenance.
- F. Adds proposed new ROH § 18-3.1(b)(18)(J) to provide an exemption for electrical work involving the replacement of solar photovoltaic component

parts or equipment with like-for-like materials to restore system operations within the original designed energy output of the system; provided that the original approved system capacity is not exceeded.

- G. Amends ROH § 18-3.1(b)(20) to provide an exemption for plumbing repair or like-for-like replacement of plumbing components when the repair or replacement is installed by a licensed plumbing contractor valued at \$2,500 or less in the aggregate in any 12-month period that only involves valves, pipes, or fixtures.
- H. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 56 (2022), CD1 (Submitted by Councilmember Tupola)  
– The CD2 (OCS2023-0435/5/17/2023 3:53 PM) makes the following amendments:

- A. Amends ROH § 18-3.1(b) by adding a reference to the requirements under the Rules Relating to Water Quality.
- B. Amends ROH § 18-3.1(b)(6) to read:

Retaining walls and planter boxes that are not more than 30 inches (762 mm) in height, fences supported by non-linear post and pier footing that are not more than 6 feet (1829 mm) in height, provided that the retaining walls, planter boxes, and fences are not located on a street corner, in a flood zone or stream or shoreline setback area, or in a city of private easement, walkways, riprap walls, and outside paving within private property; provided that the total impervious surface thereof does not exceed 75 percent.
- C. Amends ROH § 18-3.1(b)(7) by replacing the existing language with the following:
  - (7) Retaining walls and planter boxes that are greater than 30 inches (762) in height but not more than 4 feet in height, provided that the wall or planter box:
    - (A) Does not add or support direct or indirect load from any building;
    - (B) Is located outside the required regulated setback areas, including yard, building-stream, and shoreline setback areas;

- (C) Is not located within a flood zone, drainage way, stream, or city or private easement;
- (D) Is covered by a grading permit, when applicable;
- (E) Is designed by a design professional;
- (F) Is built by a licensed general contractor or licensed specialty contractor in masonry; and
- (G) Is built with a footing or base on level stable ground, with weep holes to relieve the hydrostatic pressure and with grouting to bond each unit, unless using interlocking blocks.

Renumbers the subsequent subdivisions.

- D. Amends renumbered ROH § 18-3.1(b)(11) to exempt repairs and labor for the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance, and that in the aggregate does not exceed \$10,000 in valuation in any 12-month period and do not involve any electrical, plumbing, or mechanical installations.
- E. Amends renumbered ROH § 18-3.1(b)(12) by deleting the existing ROH language and adding an exemption for interior remodeling that does not affect building square footage or the number of bedrooms or bathrooms, including, but not limited to, painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures, including windows, doors, and appliances, provided that rooms, walls, doors, and windows are not relocated.
- F. Makes miscellaneous technical and nonsubstantive amendments.

4. **RESOLUTION 23-90 – KAMEHAMEHA HIGHWAY LANIAKEA BEACH – HALEIWA (2022/SMA-77 AND 2022/SV-4)**. Granting a Special Management Area (“SMA”) Use Permit and Shoreline Setback Variance (“SV”) to the State of Hawai‘i, Department of Transportation, Highways Division (“Applicant”) to allow roadway and pedestrian safety improvements on approximately 3 acres of various zoning lots, located in the AG-1 Restricted Agricultural District and the right of way on Kamehameha Highway in the vicinity of Laniakea Beach, and identified as Tax Map Keys (“TMKS”) 6-1-005: 023, 024, 6-1-009: 004, 021, and 022, 6-1-010: 019 and 020 in Haleiwa, North Shore. (Applicant: State of Hawai‘i, Department of Transportation, Highways Division) (Transmitted by Communication D-302 [2023]) (Current Deadline for Council Action: 7/2/23)
  
5. **RESOLUTION 23-87 – THE KAKAAKO BLOCK C AFFORDABLE RENTAL AND MIXED-USE 201H PROJECT (23:DEV/042)**. Authorizing, pursuant to HRS Section 201H-8, exemptions from certain City application fees, infrastructure, or public works fees and charges, and development standards for the development of the Kakaako Block C Affordable Rental and Mixed-Use Project, a high-rise project on a 3.66-acre site located at 404 and 416 Cooke Street in Kakaako, Honolulu, Oahu, identified as Tax Map Key (1) 2-1-054: 001 (the “Project”). (Applicant: Kakaako Block C LLC) (Transmitted by Communication M-225 [2023]) (Current Deadline for Council Actions: 6/16/23)
  
6. **RESOLUTION 23-83 – 690 POHUKAINA AFFORDABLE RENTAL AND MIXED-USE 201H PROJECT (23:DEV/041)**. Authorizing, pursuant to HRS Section 201H-38, exemptions from certain City application fees, infrastructure, or public works fees and charges, and development standards for the development of the 690 Pohukaina Affordable Rental and Mixed-Use Project, a high-rise project on a 1.52-acre portion of a 2.17-acre site located at 690 Pohukaina Street in Kakaako, Honolulu, Oahu, identified as Tax Map Key (1) 2-1-051: 041 (the “Project”). (Applicant: Highridge Costa Development Company, LLC) (Transmitted by Communication M-206 [2023]) (Current Deadline for Council Action: 6/11/23; Committee postponed action 5/3/23)

PROPOSED CD1 TO RESOLUTION 23-83 (Submitted by Councilmember Say) –  
The CD1 (OCS2023-0446/5/18/2023 9:19 AM) makes the following amendments:

- A. Amends the resolution title to read as follows:  
  
"AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE POHUKAINA COMMONS AFFORDABLE RENTAL AND MIXED-USE PROJECT IN KAKA'AKO, O'AHU."
- B. In the first WHEREAS clause, clarifies the description of the Project as proposed, and references Exhibits A, B, C-1, C-2, and D-1 through D-4, which are attached to the resolution.
- C. Adds a new second WHEREAS clause to provide that the Project is within the Kaka'ako Community Development District, which is under the planning and zoning jurisdiction of the Hawaii Community Development Authority ("HCDA").
- D. Adds a new third WHEREAS clause to include details of the residential towers in Phases 1 and 2 of the Project, and the parking podium that connects the two residential towers.
- E. Adds a new sixth WHEREAS clause to provide that the HHFDC awarded the Applicant a Rental Housing Revolving Fund ("RHRF") Tier 2 loan for Phase 1 of the Project, which requires the Phase 1 affordable units to be rented to households earning 100 percent and below of the AMI (instead of 120 percent and below of the AMI). If the Project uses the RHRF Tier 2 funds, the 342 affordable units in Phase 1 of the Project proposed to be rented to households earning 120 percent and below of the AMI must instead be rented to households earning 100 percent and below of the AMI; provided that once the Applicant repays the RHRF Tier 2 loan in full, the RHRF Tier 2 loan AMI restrictions would no longer apply.
- F. In the eighth WHEREAS clause, clarifies that the Project involves 5,000 square feet of commercial space on the ground floor, consisting of a public plaza at the corner of Keawe Street and Pohukaina Street. Moves details about the Project's parking podium to the third WHEREAS clause.
- G. Adds a new tenth WHEREAS clause to provide that the exemptions requested by the Applicant include exemptions from the HCDA's planning and zoning requirements, and waiver or deferral of the City fees and charges.

- H. In the BE IT RESOLVED clause:
1. Clarifies that approval of the Project includes exemptions from certain requirements for the Project as set forth in the preliminary plans and specifications for the Project.
  2. In Exemption 4, provides for an exemption from the payment of wastewater system facility charges attributed to 279 affordable units rented to households earning 80 percent and below of the AMI, estimated at \$269,086;
  3. Adds a new Exemption 5 to provide a deferral until the issuance of a certificate of occupancy for Phase 1 of the Project of payment of wastewater system facility charges attributed to 342 affordable units rented to households earning more than 80 percent of the AMI and four manager's units, estimated at \$1,616,289. Renumbers subsequent exemptions.
  4. In renumbered Exemption 7, provides for a deferral (instead of an exemption) from the payment of Board of Water Supply ("BWS") water system facility and installation of water service fees until the installation of the water meter, estimated at \$3,265,920; provided that all BWS requirements are satisfied (the BWS will determine the actual fees to be deferred during review of the Project's building permit application).
  5. Deletes former Exemption 7, relating to an exemption from ROH Chapter 32 ("Affordable Rental Housing"), because the Project is not being developed pursuant to ROH Chapter 32.
  6. Adds a new Exemption 8 to provide that with respect to land uses and development standards, the Project is under the jurisdiction of the HCDA; therefore, no exemptions from the Land Use Ordinance, ROH Chapter 21, are needed.
- I. Adds a new second BE IT FURTHER RESOLVED clause to add the following conditions of approval:
1. Except for the exemptions from certain City application fees and infrastructure or public works fees and charges provided for in the resolution, and the exemptions from certain HCDA Mauka Area Rules development standards listed in the For Action approved by

the HHFDC's Board of Directors, the Project must comply with all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; including but not limited to right-of-way improvement requirements.

2. Prior to the issuance of any building permits for the Project, the Applicant is required to submit to the DPP for its review and approval: a timeline or phasing plan, a construction management plan ("CMP"), and a traffic management plan ("TMP").
3. Post traffic impact analysis reports ("TIARs") will be required approximately one year after the issuance of a CO for the Project approximately one year after the issuance of a certificate of occupancy for each Project phase to validate the traffic projections, trip reduction rates, and distribution and assignment data contained in the initial TIAR. The Applicant is required to implement the post TIAR recommendations.
4. Bicycle parking spaces or racks must be located in safe and convenient locations on the Project site.
5. Requirements relating to vehicle access points and driveways, including the construction of vehicular access points as City dropped driveways; adequate sight distance to pedestrians and other vehicles from driveways; driveway grades; recessed entry gates and ticket dispensers; and driveway design that minimizes potential conflict areas between exiting/turning vehicles and bicyclists using the future bicycle lanes to be located on Pohukaina Street and Keawe Street fronting the Project site.
6. All loading, parking, and trash pickup areas must be designed so that vehicles enter and exit front first, with adequate turn-around areas for large vehicles.
7. Corner curb requirements for the intersection of Coral Street and Pohukaina Street, and the intersection of Keawe Street and Halekauwila Street, and a 60-foot right-of-way width requirement for Pohukaina Street.

8. Requirements for the length and width of the porte-cochere to prevent any overflow of vehicles onto Pohukaina Street, and to allow a moving vehicle to safely pass a stationary parked vehicle.
  9. The Applicant is required to comply with all Federal Aviation Administration ("FAA") and State Department of Transportation ("HDOT") regulations, rules, requirements, and guidelines regarding development and activities in close proximity to airports and airport runways, including the addition of marking lights as required by the FAA, the avoidance of landscaping that creates a wildlife attraction, and disclosure to all prospective renters, lessees, or tenants of potential aircraft flight and airport activity and related impacts, including but not limited to noise, fumes, smokes, vibrations, and odors.
- J. In the third BE IT FURTHER RESOLVED clause, adds that references to the HCDA include any successor agency.
- K. In the fourth BE IT FURTHER RESOLVED clause, clarifies that the resolution is null and void unless construction of Phase 1 of the Project commences no later than 48 months after the effective date of the resolution.
- L. In the sixth BE IT FURTHER RESOLVED clause, provides that minor modifications to the preliminary plans and specifications that may be approved by the HHFDC do NOT include modifications to the building specifications (only includes modifications to the design character of the building or landscaping).
- M. Makes miscellaneous technical and nonsubstantive amendments.

7. **RESOLUTION 23-57 – 5699 KALANIANA‘OLE HIGHWAY – NIU (2023/SMA-3)**. Granting a Special Management Area (“SMA”) Use Permit to Jean Tripier/Jean M. Arnold Trust (“Applicant”) to allow a new single-family dwelling located in the R-10 Residential District at 5699 Kalaniana‘ole Highway in Niu, identified as Tax Map Keys 3-7-002: 081 herein as referred to as (the “Project”). (Applicant: Jean Tripier/Jean M. Arnold Trust) (Transmitted by Communication D-251 [2023]) (Current deadline for Council Action: 6/12/23)

CALVIN K.Y. SAY, Chair  
Committee on Zoning